

Remarks:

The Advisory Action mailed February 4, 2008 states that Applicant has failed to indicate what the error was in the filing of the reissue. The Advisory Action also states that Applicant has failed to obtain the signature of an inventor and that a petition is still pending regarding this issue.

Interview Summary

The Examiner is thanked for the courtesy of the telephone interview conducted on February 11, 2008 to discuss the Advisory Action, and in particular, the sufficiency of the Reissue Application Supplemental Declaration ("the Supplemental Declaration") filed in parent application 09/657041. In addition to the recitation of the Substance of the Interview provided by the Examiner in the February 25, 2008 Interview Summary, Applicants respectfully submit that several important points of the interview were omitted from the Interview Summary.

While the Examiner attempted to argue the merits of the Supplemental Declaration, as was stated in the Interview Summary, the undersigned voiced the position that the Supplemental Declaration satisfied the requirement of *identifying at least one error* which was relied upon to support the reissue application. The undersigned pointed out that the Supplemental Declaration listed what the Applicants perceived the errors to be, and that it was the responsibility of the Examiner in the Reissue case to determine the merits of those perceived errors. The undersigned further maintained that it is outside the scope of the obligations of the Examiner of the present application to determine the merits of the Supplemental Declaration filed in the other application, particularly in light of the fact that the objection to the Declaration was withdrawn in the parent case upon the filing of the Supplemental Declaration.

Reissue Supplemental Declaration

In response to the Advisory Action, the Supplemental Declaration, along with "PETITION BY JOINT INVENTORS FILING ON BEHALF OF OTHER JOINT INVENTOR WHO REFUSES TO JOIN IN APPLICATION OR CANNOT BE REACHED" was previously filed in the parent Reissue Application, Serial No. 09/657,041 on January 5, 2005. A copy of the as-filed Supplemental Declaration is attached.

The Supplemental Declaration was filed in response to an Office Action mailed July 2, 2003 which objected to the originally filed Declaration for allegedly failing to identify at least one error which relied upon to support the reissue application.

The Supplemental Declaration that was filed in response to the objection to the originally filed Declaration states that "[o]riginally the claims required that the liner of the trunk component have both a generally cylindrical upper body portion and a generally cylindrical lower body portion. The error is that this is unduly narrow in that the liner need only have a generally cylindrical body portion and two leg portions."

The Supplemental Declaration further states that "[o]riginally the claims required several steps to make a supportive graft, including inserting and inflating a liner. The error here is that this is unduly narrow in that the specification also teaches simply a method of forming a supporting component comprising the steps of forming a support component and crimping at least one portion to provide a multiple lumen portion."

In the subsequent Office Action mailed on January 18, 2007, after the filing of the Supplemental Declaration, the objection had been withdrawn, indicating that the Supplemental Declaration satisfied the requirement of *identifying at least one error* which was relied upon to support the reissue application.

Applicants respectfully submit that the Supplemental Declaration filed on January 5, 2007 properly indicates what errors necessitated the filing of the Reissue application.

Because the Supplemental Declaration was timely filed prior to the expiration of the shortened statutory time period for response to the Final Office Action mailed on October 23, 2007, Applicants respectfully submit that no additional fee is due for this Supplemental Response. If, however, a fee is due, the Office is invited to charge the undersigned's Deposit Account, listed below.

Petition

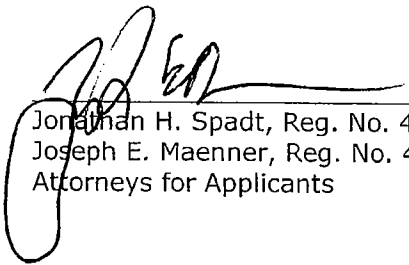
Applicants filed a "Petition by Joint Inventors Filing on Behalf of Other Joint Inventor Who Refuses to Join in on Application or Who Cannot Be Reached" with the January 21, 2008 response. A Decision on Petition was mailed on February 15, 2008 that dismissed the Petition as moot based on the previous grant of a similar petition in the parent reissue application.

This decision obviates that statement in the Advisory Action that the petition is still pending.

Conclusion

Applicants respectfully submit that they have complied with all of the proper requirements of the October 23, 2007 Office Action and the February 4, 2008 Advisory Action. A prompt Notice of Allowance is respectfully requested.

Respectfully submitted,



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Attorneys for Applicants

JHS/JOS/kr

Enclosure: Supplemental Reissue Declaration for Reissue Application Serial No. 09/657,041

Dated: March 20, 2008

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.

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SUPPLEMENTAL REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
BSI-430US8

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,855,598 granted January 5, 1999, and for which a reissue patent is sought on the invention entitled EXPANDABLE SUPPORTIVE BRANCHED ENDOLUMINAL GRAFTS,

the specification of which

☐ is attached hereto.

☒ was filed on September 5, 2000 as reissue application number 09/657,041
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

This reissue is a broadening reissue. At least the following errors exist as a basis for this reissue:

1. Originally the claims required that the liner of the trunk component have both a generally cylindrical upper body portion and a generally cylindrical lower body portion. The error is that this is unduly narrow in that the liner need only have a generally cylindrical body portion and two leg portions.

2. Originally the claims required several steps to make a supportive graft, including inserting and inflating a liner. The error here is that this is unduly narrow in that the specification also teaches simply a method of forming a supporting component comprising the steps of forming a support component and crimping at least one portion to provide a multiple-lumen portion.

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Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.